Applicant wishes to thank the Examiner for the courtesy of an interview granted to Applicant's representative, Sanford T. Colb, on 8 October 2002. In the course of the interview, Salatino was discussed, vis a vis claim 20, and agreement was reached on the basis of proposed amendments set out by the Examiner. The amendments to claim 20 proposed by the Examiner in the course of the interview are effected herein except that

a. "cavity" is replaced by "at least one cavity" to provide antecedent basis for claim 26; and

b. "cavity" is followed by "extending entirely therethrough" to more clearly distinguish the invention of claim 20 from the prior art of record;

c. the spacer is recited to be "formed as a piece separate from said substrate and from said at least one packaging layer" rather than reciting that the substrate is "formed of a material different from said substrate and that of said at least one packaging layer" in order to more precisely define the relationship between the spacer and the substrate and packaging layer.

The above amendments are supported by the embodiment of Figs. 2A-2C, inter alia.

Claims 21-29, 33, 34 and 36 depend directly or ultimately from claim 20 and recite additional patentable subject matter and therefore, these claims are deemed patentable over with reference to the above discussion of the patentability of claim 20.

Applicant has carefully studied the remaining prior art of record herein and concludes that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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MARKED-UP CLAIM

20. (Amended) A method of producing a crystalline substrate based device comprising:

providing a microstructure on a substrate;

providing a spacer onto said substrate, said spacer defining at least one cavity extending entirely therethrough; and

adhesively sealing at least one transparent packaging layer onto said spacer over said microstructure and at least partially spaced therefrom, thereby to define a gap at said at least one cavity between said microstructure and said at least one packaging layer, wherein said spacer is formed as a piece separate from said substrate and from said at least one packaging layer.

MARKED-UP COPY

ABSTRACT OF THE DISCLOSURE

~~This invention discloses a crystalline substrate based device~~ including a microstructure on a crystalline substrate ~~having formed thereon a microstructure; and~~ at least one packaging layer ~~which~~ is sealed over the microstructure by ~~means of~~ an adhesive and defines therewith at least one gap between the crystalline substrate and the at least one packaging layer.

A method of producing a crystalline substrate based device ~~is also disclosed.~~